Amendments to the Drawings

The attached sheet of drawings includes changes to Figs 1-4. This sheet, which includes Figs. 1-4, replaces the original sheet including Figs. 1-4. The character of lines, numbers and letters of Figs 1-4 have been have been redrawn to respond to the Draftsperson's objections. No new matter has been added.

Attachment: One Replacement Drawing Sheet

REMARKS

Applicant has carefully reviewed the Final Office Action mailed December 29, 2005 and the Advisory Action mailed April 18, 2005. Currently claims 1-24 are pending in the application, wherein claims 1-24 stand finally rejected by the Examiner. Claims 5 and 12 have been amended, claims 25-34 have been added, and claims 1-4 and 23 have been cancelled with this submission. Favorable consideration of the amended claim set is respectfully requested. Applicant asserts the specification provides adequate support for the amendments, thus no new matter has been added. Support for the amendments may be found, for example, at page 5, lines 3-14 and page 10, lines 13-16.

Applicant thanks the Examiner for withdrawing the §112, first paragraph rejection of claims 1, 5, 12 and 23-24 as evidenced by the Examiner's remarks filed with the Advisory Action dated April 18, 2005.

The drawings were objected to by the Official Draftsman as evidenced by the Notice enclosed with the Advisory Action. Substitute drawings are enclosed with this paper for approval in the application. The character of lines, numbers and letters of Figs 1-4 have been have been redrawn to respond to the Draftsperson's objections. The drawings are believed to be in compliance with 37 CFR §1.84. No new matter has been added.

Claims 1-5, 11-13 and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Jaraczewski et al. (U.S. Patent No. 4,817,613). Applicant respectfully traverses this rejection.

Claims 1-4 have been cancelled with this paper, thus making the rejection of these claims moot. In canceling these claims, Applicant does not concede the appropriateness of the Examiner's rejection.

Applicant disagrees with the Examiner's assertion in comments provided in the Advisory Action that the braided torque transmitting layer disclosed in Jaraczewski et al. teaches a tread pattern. Indeed, at no point in Jaraczewski et al. is either the term "tread" or "pattern" used to describe the braided layer. A braid is a plurality of wires or filaments helically wound and interconnected with wires or filaments wound in an opposing direction. This is clearly dissimilar to a raised pattern of a plurality of raised shapes or elements as currently claimed.

Nevertheless, claim 5 has been amended to more clearly describe the claimed invention. Specifically, claim 5 has been amended to recite a raised pattern of generally noncontiguous

elements. As illustrated in the Figures, one embodiment of an elongate shaft of the invention may be characterized as including a plurality of individual raised elements forming a pattern on the outer surface of the elongate shaft. The raised pattern of elements maintains space between adjacent elements while in a non-torqued state. See Specification, page 10, lines 13-16. For example, each of the raised elements may be separated from adjacent elements by a channel. A manufacturing technique, such as a laser ablation technique, may be used to remove a portion of the material of the elongate shaft to create the channels and thus define the raised elements. As discussed in the Specification, other techniques may be used to create the raised pattern. See Specification, page 5, lines 3-14. The raised elements are generally noncontiguous since the channels separate adjacent raised elements.

To the contrary, a braided layer as taught in Jaraczewski et al., by definition, includes a plurality of interconnected wires. The wires are wound in opposing helical patterns in an over-under arrangement to form the braided layer. Thus, the wires cannot be said to be generally noncontiguous, since each of the wires is interconnected with other wires to form the braid. Additionally, the Examiner asserts the pitch angle creates a diamond shaped pattern. Applicant disagrees with this characterization. A diamond shaped pattern formed by the braid layer is not a raised pattern as currently claimed, but is a recess defined by adjacent interwoven wires. It is noted that adjacent diamond shapes formed by the crisscrossing wires share common wires. Thus, if the Examiner asserts the interwoven wires form a diamond shape, Applicant respectfully refutes this assertion because the elements cannot be said to be generally noncontiguous as currently claimed, since adjacent diamond shapes of the braid share interwoven wires. Actually, one embodiment shown in Figure 1 is akin to the inverse of braided wires. See Specification, page 8, line 22 through page 9, line 2. Thus, the braided layer taught in Jaraczewski et al. fails to teach the claimed invention.

Applicant asserts claim 5 is clearly distinguished from the braid layer taught in Jaraczewski et al.. Therefore, claim 5 is believed to be allowable. Claim 11 depends from claim 5 and adds significant additional limitations; therefore, claim 11 is also believed to be in condition for allowance.

Claim 12 has been amended to more clearly describe the claimed invention. Claim 12, as amended, recites a raised pattern comprising a plurality of generally noncontiguous raised

shapes. For the same reasons stated above regarding the allowability of claim 5, Applicant asserts the amended language of claim 12 clearly distinguishes the braided layer taught in Jaraczewski et al. from the elongate shaft as currently claimed. Therefore, claim 12 is believed to be in condition for allowance. Claims 13 and 20-22 depend from claim 12 and add significant additional limitations; therefore, these claims are also believed to be in condition for allowance.

Claims 6-10 and 14-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Jaraczewski et al. (U.S. Patent No. 4,817,613). Applicant respectfully traverses this rejection. A *prima facie* case of obviousness has not been established, at least because Jaraczewski et al. fail to teach each and every limitation of the claimed invention. Jaraczewski et al. is sufficiently distinguished above as failing to teach the invention of claim 5 and claim 12. Claims 6-10 depend from claim 5 and add significant additional elements. Therefore, for the reasons stated above regarding claim 5, Applicant asserts claims 6-10 are patentable over Jaraczewski et al. Claims 14-19 depend from claim 12 and add significant additional elements. Therefore, for the reasons stated above regarding claim 12, Applicant asserts claims 14-19 are patentable over Jaraczewski et al. Withdrawal of the rejections is respectfully requested.

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Jaraczewski et al. (U.S. Patent No. 4,817,613) in view of Moore et al. (U.S. Patent No. 4,669,465). Applicant respectfully traverses this rejection. While Moore et al. is relied on to suggest a balloon catheter, Applicant notes that Moore et al. fail to remedy the shortcomings of Jaraczewski et al. as discussed above. Specifically, the combination at least fails to teach each and every element of the claimed invention necessary to establish a *prima facie* case of obviousness. Thus, the rejection is flawed and withdrawal of the rejection is respectfully requested.

Newly added claims 25-34 are similarly believed patentable over Jaraczewski et al. Claim 25 recites an elongate shaft having a raised pattern of generally noncontiguous raised elements similar to claims 5 and 12. For at least the reasons stated above, claim 25 is believed allowable. Claims 26-31 depend from claim 25; therefore, they are also believed to be allowable. Claim 32 recites an elongate shaft having a wall defining an inner surface and an outer surface. The elongate shaft includes a plurality of raised elements integral with and extending from the outer surface. Jaraczewski et al. clearly fails to teach this aspect of the claimed invention. The braid of Jaraczewski is the outer surface of the braided layer, thus there

necessarily are no raised elements integral with and extending from the outer surface of the braided layer. Favorable consideration of these claims is requested.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Tracee E.J. Eidenschink

By her Attorney,

Date: 5/18/05

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